



Linking Efforts to Combat Corruption and Trafficking in Persons

On December 6, 2021, the White House released the first United States Strategy on Countering Corruption. It outlines a whole-of-government approach that includes an emphasis on better understanding and responding to the transnational dimensions of corruption, along with steps to reduce the ability of corrupt actors to use the U.S. and international financial systems to hide assets and launder their illicit proceeds. This commitment to combat corruption supports another long-time priority of the United States: to combat trafficking in persons in all its forms; to prosecute and punish perpetrators, including by confiscating their ill-gotten gains; and to assist and protect the victims of this crime.

The U.S. Strategy on Countering Corruption highlights human traffickers among those that benefit the most from environments with endemic corruption. A 2021 research report by United Nations Office on Drugs and Crime (UNODC) and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime also highlights the role of corruption in facilitating trafficking in persons and perpetuating impunity for traffickers. Another paper published in 2021 by TRACE illustrates the role corruption plays in facilitating human trafficking by highlighting individual cases of trafficking victims from around the world, covering multiple sectors and contexts, including fishing, domestic service, the *kafala* system, and construction in advance of the FIFA World Cup, among others. The paper highlights how impunity remains the norm in many places and industries, as both human traffickers and the corrupt officials who facilitate these crimes operate with little fear of prosecution.

Trafficking-related corruption is committed by a range of government officials from junior law enforcement officers to senior officials at the highest level. Officials engage in corruption, for example, by assisting unscrupulous or unlicensed recruitment agencies during the recruitment of workers for overseas employment, providing false documentation, and enabling illegal movements across borders and immigration controls. They can also facilitate or turn a blind eye to ongoing illicit activities such as prostitution or drug cultivation or facilitate the acquisition, sale, or border crossing of goods that may have been produced by forced labor. Perhaps most perniciously, corrupt officials who accept bribes hamper criminal justice proceedings by obstructing the reporting and gathering of evidence, influencing witnesses, tipping off traffickers of pending raids and investigations, or otherwise interfering with the prosecution of perpetrators of illegal activities. Through selective law enforcement, governments may fail to investigate or prosecute traffickers, while in other cases authorities may target political opponents with unfounded trafficking allegations. Corruption by the police and the judiciary emboldens human traffickers to operate with impunity, contributes to the loss of public trust, and facilitates the further victimization of the very individuals they are supposed to protect from crime. Some government officials abuse their position of authority to extort sex or forced labor from individuals in their care in exchange for access to food, medicine, education, or other benefits or goods.

Earlier research by the UNODC points out that trafficking in persons could not occur on a large scale without corruption. It notes that “trafficking in persons and corruption are closely linked criminal activities, whose interrelation is frequently referred to in international fora;” and yet, the linkages between the two crimes are mostly overlooked in the actual development and implementation of anti-trafficking policies and programs.



The international anti-corruption framework includes several instruments and initiatives that can be used to further anti-trafficking efforts. One such instrument is the 2003 United Nations Convention against Corruption (UNCAC), which is the only legally binding and virtually universal anti-corruption instrument with 189 States Parties. While the Convention does not specifically define “corruption,” it does cover different forms that corruption can take, such as bribery, trading in influence, abuse of functions, and various acts of corruption in the private sector. Most, if not all, of the mandatory provisions in the UNCAC support and complement international obligations under the 2000 United Nations Convention against Transnational Organized Crime (UNTOC) UN TIP Protocol (Palermo Protocol), also widely ratified with 190 Parties to the UNTOC and 178 Parties to its TIP Protocol. Under the UNCAC, States Parties are obligated, under the fundamental principles of their legal systems, to establish public procurement systems based on transparency and competition; to criminalize forms of domestic and foreign bribery; to criminalize the laundering of proceeds of a crime; and to the greatest extent possible within its domestic legal system, to freeze, seize, and confiscate such proceeds. States Parties also are obligated to cooperate with other States Parties on criminal anti-corruption investigations, prosecutions, and judicial proceedings of Convention-related offenses; and promote the participation of civil society in the fight against corruption. Both the UNCAC and the UNTOC have peer review mechanisms that assess States Parties’ compliance with the respective conventions that include recommendations and identification of specific needs for technical assistance.

The Organization for Economic Co-operation and Development’s (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (the Anti-Bribery Convention), ratified by 44 members (38 OECD countries and six non-members), is the first anti-corruption instrument to focus on the supply side of bribery, namely the persons or entities offering, promising, or giving bribes—whether directly or through intermediaries. States Parties agree to establish bribery of foreign public officials as a criminal offense under their national laws and to investigate, prosecute, and sanction this offense. The OECD Working Group on Bribery monitors the implementation and enforcement of the Convention and related instruments and recognizes that achieving progress requires efforts at the national level, as well as multilateral cooperation.

The United Nations Inter-Agency Coordination Group Against Trafficking in Persons (ICAT), through its November 2021 Call for Action on Trafficking in Persons, identified corruption as one of the drivers of human trafficking and called for a global government response to address the underlying social and structural inequalities that enable environments where corruption takes root; to tackle trafficking in persons in a holistic manner that also addresses corruption and impunity; and to enhance investigations of corruption and illicit financial flows associated with trafficking and the related seizure of proceeds of crime.

As the main policymaking body in Vienna on criminal justice issues, the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) complements the UNTOC and its UN TIP Protocol (Palermo Protocol). The UN TIP Protocol (Palermo Protocol) is the central international framework to prevent and combat human trafficking, and it provides a floor for government action, similar to the congressionally mandated minimum standards that are used to assess governments’ efforts in TIP Report country narratives. The implementation of the UN TIP Protocol (Palermo Protocol) is often raised in the context of CCPCJ discussion, particularly through resolutions negotiated each year. Other fora such as the G7 Roma Lyon Group (RLG) also address corruption and trafficking in persons. The RLG focuses on crime and terrorism issues, including both corruption and trafficking in persons, among others.

Under U.S. law, the Trafficking Victims Protection Act of 2000, as amended (TVPA) requires the Secretary of State to describe government efforts to combat trafficking each year and places great focus on corruption and complicity, which undermine such efforts. As part of the Minimum Standards indicia of “serious and sustained efforts,” the TVPA requires an assessment of whether a government took law enforcement action against officials who participated in, facilitated, condoned, or were otherwise complicit in human trafficking crimes. Furthermore, the TVPA directs the Secretary to consider, as proof of a country’s failure to make significant effort to fully meet the Minimum Standards, a government policy or pattern of trafficking; trafficking in government-funded programs; forced labor (in government-affiliated medical services, agriculture, forestry, mining, construction, or other sectors); sexual slavery in government camps, compounds, or outposts; or employing or recruiting child soldiers. Thus, concerns of official complicity in trafficking crimes weigh heavily in the TIP Report’s country assessments. In cases of official complicity in trafficking crimes in a country, the relevant TIP Report narrative encourages the government, often as a top recommendation, to increase efforts to hold complicit officials accountable or reform an existing government policy or pattern of trafficking – underlining the importance of ensuring state entities and officials do not perpetrate the crime.

Recommendations for Linking and Furthering Anti-corruption and Anti-trafficking Efforts:

The following recommendations draw from various sources and are based on a multi-sectoral approach involving government entities, multilateral institutions, the private sector, and civil society, including trafficking survivors. They aim to proactively link efforts to prevent and combat both corruption and trafficking in persons.

- ▶ Ensure robust, transparent criminal investigation and prosecution of government officials who allegedly facilitate or perpetrate trafficking crimes, including through corrupt practices or trafficking-related selective law enforcement.



- ▶ Establish comprehensive anti-money laundering laws and enforce them, monitor seizure/confiscation of proceeds—including from offshore accounts and cryptocurrency—and provide training/assistance/tools to governments, banks, etc., to enhance these efforts, in line with legislation, treating trafficking in persons as a predicate offence to money laundering, in line with the UNTOC.
- ▶ Conduct financial investigations. Curb illicit financing, including through enhanced investigations of corruption associated with human trafficking along with the related freezing, seizing, and confiscating of proceeds of this crime and through enhanced training of relevant public and private entities, such as law enforcement, financial intelligence units, tax authorities, and banking institutions, using red flag indicators to help identify transactions related to human trafficking.
- ▶ Include corruption when addressing core drivers and facilitators of trafficking in persons, and link anti-corruption efforts with those designed to tackle transnational organized crime such as human trafficking, including understanding and disrupting networks, tracking flows of money and assets, and improving information sharing with international and non-governmental partners, as appropriate.
- ▶ Recognize that combating corruption and transnational organized crime are mutually reinforcing by underscoring the importance of effectively implementing international obligations under the UNCAC and UNTOC in the development and execution of anti-trafficking policies and programs, as well as incorporate as relevant recommendations from the UNCAC and UNTOC COP reviews.
- ▶ Bolster the existing international anti-corruption architecture in reinforcing the approach of corruption as a global problem that also facilitates trafficking in persons by addressing the transnational aspects of corruption through human and financial resourcing, intelligence analysis, foreign assistance, and robust public-private partnerships that include the private sector, multilateral organizations, banking institutions, civil society, and media actors, with a view to eliminate safe havens for corrupt actors and their criminal proceeds.
- ▶ Increase digital expertise and appropriate usage of new technology in anti-trafficking investigations and responses, including collection of evidence, sharing of information, and presenting evidence in court.
- ▶ Establish transparent public, private, and institutional procurement and acquisition systems.
- ▶ Incorporate measures to address corruption and impunity in anti-trafficking strategies, using a multi-stakeholder approach that incorporates the expertise and recommendations from trafficking victims and survivor leaders.
- ▶ Encourage the private sector to develop effective internal controls, ethics, and compliance measures to prevent and detect bribery of foreign public officials and to prevent human trafficking, including in supply chains.
- ▶ Provide support for civil society, survivor, and media reporting on corrupt practices related to trafficking, to include anonymous reporting mechanisms and whistleblower protection.



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